IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 33455 of 1997

Between:

Paddam Raghavulu, S/o Sri Venkappa, R/o Yerugatla Village, Penuballi Mandal, Khammam District.

..... PETITIONER

AND

1 The District Collector, Khammam District.
2 The Project Officer, ITDA, Bhadrachalam, Khammam District.

3 The Divisional Engineer, Irrigation, Sathupally, Khammam District.
4 The Executive Engineer, APSIDC Division, Sahakarnagar, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, direction or orders, more particularly one in the nature of Writ of Mandamus, by directing the respondents to provide continuously and allow the water for irrigation the members of the Neellavagu Lift Irrigation Coop. Society Ltd., Yerugatla Village, Penubally Mandal, Khammam District, without any hindrance, by declaring the action of the respondents in sanctioning the new project within two Kms away from 'Neellavagu Project' as illegal, unreasonable and arbitrary.

Counsel for the Petitioner: MR.K.V.SIMHADRI

Counsel for the Respondent Nos.1 and 3: GP FOR IRRIGATION & COMM AREA DEV.

Counsel for the Respondent No.4: SMT. P. BALA RANI

The Court made the following :

ORDER:

Seeking a writ of mandamus to direct the respondents to provide water under lift irrigation scheme without any hindrance to the lands cultivated by the members of the Neellavagu Tribal Lift Irrigation
Co-operative Society Ltd., Yerugatla village, Penubally Mandal, Khammam district, and to declare the action of the respondents in sanctioning a new lift irrigation project at two kilo metres upstream of Neellavagu project as illegal, unreasonable and arbitrary, the petitioner filed this writ petition stating that if the new project is allowed, the members of the society who are cultivating their lands by drawing the water from existing Neellavagu project, would be suffered a lot from irrigating their lands.

The issues as to providing of irrigation water continuously to the fields under the ayacut of Neellavagu lift irrigation project and sanctioning or non-sanctioning of a new lift irrigation project at two kilo metres upstream of Neellavagu lift irrigation project, are technical in nature and they cannot be gone into in a proceeding under Article 226 of the Constitution of India, and no mandamus can be issued directing the respondents to provide water under lift irrigation scheme without any hindrance to the lands cultivated by the members of the Neellavagu Tribal Lift Irrigation Co-operative Society Limited, Yerugatla village. However, it is open for the petitioner to avail civil law remedies, if he so intends.

With the above observation, the writ petition is dismissed. No costs.

N.V. RAMANA, J

Date: 07-4-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Khammam District.
2 The Project Officer, ITDA, Bhadrachalam, Khammam District.

3 The Divisional Engineer, Irrigation, Sathupally, Khammam District.
4 The Executive Engineer, APSIDC Division, Sahakarnagar, Khammam

District.

5 Two C.Cs. to the GP for Irrigation and Command Area Development,
High Court Buildings, A.P., Hyderabad (OUT).

6 Two CD copies